

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROBERT FOLLIS
AND GEORGIA FOLLIS,

Civil No. 08-1348 (JRT/RLE)

Plaintiffs,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

v.

STATE OF MINNESOTA, MORRISON
COUNTY AND TODD COUNTY,

Defendants.

Robert Follis and Georgia Follis, 220 First Avenue South, Long Prairie, MN 56347, pro se plaintiffs.

Daniel Goldberg and Donald Muetting, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 900, St. Paul, MN 55101, for defendant State of Minnesota.

James Andreen, **ERSTAD & RIEMER, PA**, 8009 34th Avenue South, Suite 200, Minneapolis, MN 55425, for defendants Morrison County and Todd County.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, dated November 17, 2008, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that: plaintiff's motion for stay of District Court Proceedings [Docket No. 38] be granted until such time as the United States Court of Appeals for the Eighth Circuit rules on the Plaintiffs' pending appeal.

Dated: December 29, 2008
at Minneapolis, Minnesota

s/John R. Tunheim
John R. Tunheim
United States District Judge